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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,270	04/13/2004	Stephen C. Oberheim	0212.67076	3483

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EXAMINER

BREAN, LAURA MICHELLE

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,270	<b>Applicant(s)</b> OBERHEIM, STEPHEN C.	
	<b>Examiner</b> Laura M. Brean	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 2/15/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 and 21-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/09/04; 8/25/05</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Election/Restrictions***

1. Applicant's election with traverse of Group I, Species A, claims 1-20, in the reply filed on 2/15/2006 is acknowledged. The traversal is on the ground(s) that the classifications of Groups I and II are improper and that an adequate search of one would cover the other. This is not found persuasive because, each of individual Groups I-III has distinct features and is a distinct invention, as discussed and explained on restriction requirement mailed on 1/12/2006. Each individual invention with distinct features has a separate status in the art and naturally requires a different field of search. It should be noted, "for purpose of the initial requirement a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of each as defined in MPEP § 808.2." See MPEP § 803. As discussed above, the Examiner has shown that each individual distinct invention of Groups I-III has a separate status in the art and a different field of search. Therefore, there is a serious burden on the Examiner to examine all distinct individual inventions of Groups I-III together. Secondly, applicant assertion that each individual group may not have accurately classified is not persuasive. Examiner knows that each of the individual distinct invention belongs to a different class and subclass. Examiner also knows how to classify each individual and distinct invention. In addition, the class and the subclass correspond to each individual distinct invention of Groups I-IX are not the only class and subclass that will be searched. It should be noted that the Examiner searches different

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subclasses and even classes with respect to each distinct invention. Therefore, there is a serious burden on the Examiner to examine each individual and distinct invention of Groups I-III.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 21-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2/15/2006.

Additionally, upon further examination, claims 10-14 are also withdrawn by the Examiner as being drawn to a nonelected species. Claim 10, recites that the block has a middle portion that cooperatively engages and is supported by the extension rail, which is evident in non-elected Species C, figure 8, but not in the elected species A, figures 1-5. Claim 14, also recites switch means for generating input signals for designating the left or right position of the extension rail, which are also not evident in the elected species A, but rather the non-elected Species C.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: transverse extensions, 156, as specified on page 9, line10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

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action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the on/off switch of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

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remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because in line 2, the phrase "is disclosed<sup>o</sup>" should be avoided. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

On page 6, line 5, "extending to he right" should be --extending to the right--.

On page 6, line 5, "In his regard", should be changed to -- In this regard--.

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On page 6, line 27, "bracket 78", should be --display block 78--.

On page 7, line 3, "the housing assembly 12", does not appear to be the structure that the sensor 88 is secured to and should be changed.

On page 8, line 23, "block extrusion 32", should be "block extrusion 132".

On page 10, line 5, "green dot 172" should be "green dot 176".

On page 10, line 5, "red dot 174" should be "red dot 178".

Appropriate correction is required.

### ***Claim Objections***

7. Claims 1 and 9 are objected to because of the following informalities:

In claim 1, lines 13-14, " having a sensor strip", should be -- having the sensor strip--.

Claim 9 and claim 2, where claim 9 depends on claim 2, both recite a member. It is suggested to change the "member" of claim 9 to "a bridge member" or similar language to more clearly distinguish between the two members.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3-5, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Luttmmer et al. (U.S. Patent 4,873,770), herein referred to as Luttmmer. Luttmmer discloses a table saw having a measurement and display system comprising a frame structure (as similarly disclosed by applicant) having a main table top, a front, a back and two sides (shown in Figure 1); a circular saw (211) rotatable around an axis, mounted in said frame structure and extending through an opening in said table top, said saw being vertically and angularly adjustable in said frame structure; a motor supported by said frame structure operatively connected to drive said circular saw; a fence rail (bottom rail of the front guide rail, 104) positioned adjacent said front of said frame structure; a fence (saw guide, 106) releasibly attached to said fence rail and extending over said table top; a sensor strip (reader strip, 202) connected to said fence rail (bottom of 104, shown in Figure 3), said rail having the sensor strip configured to provide digital signals that are indicative of specific positions along the length thereof (column 3, lines 34-50 and column 9, lines 15-25); a sensing unit (reader head, 100) movable along said sensor strip (202) (see Figure 3) and operatively connected to said fence, said sensing unit generating signals indicative of the specific longitudinal position of said fence (column 7, lines 46-52), a switch (zero-key, 212a) operatively connected to a processing unit for establishing a reference position when activated (column 6, lines 55-65); a processing unit (electronic measurement system (EMS, 200)) connected to said sensing unit for receiving said position indicating signals and for calculating the distance between said fence and said reference position and for generating display



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signals indicative of said calculated distance; a display unit (display module, 102) electrically connected to said processing unit (EMS) configured to receive said display signals and provide a digital display of said calculated distance.

In regards to claim 3, Luttmmer discloses that said processing unit (EMS, 200) is capable for generating display signals that cause said display unit (102) to display said calculated distance in one of English or metric units (column 7, lines 46-52).

In regards to claim 4, Luttmmer discloses said processing unit (EMS, 200) is housed with said sensing unit (100), said table saw further comprising a battery (103) for powering said processing unit and said sensing units.

In regards to claim 5, Luttmmer discloses a display rail (top rail of the front guide rail, 104) oriented parallel to said sensor strip, said display unit (102) being slidable along and underneath the display rail and being mechanically and electrically connected to said sensing unit (100) and said processing unit (200).

In regards to claim 7, Luttmmer discloses at least one ribbon connector (not numbered, as shown in Figure 4 near reader element 204) that electrically connects said sensing unit with said display unit (102) and said processing unit (200) via the assembly as shown in Figure 9.

In regards to claim 19, Luttmmer discloses that said sensing unit, processing unit, said switch and said display unit are attached to said fence via coupler means, 112.

In regards to claim 20, Luttmmer discloses a table saw having a measurement and display system comprising a frame structure (as similarly disclosed by applicant) having a main table top, a front, a back and two sides (shown in Figure 1); a circular saw (211)

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rotatable around an axis, mounted in said frame structure and extending through an opening in said table top, said saw being vertically and angularly adjustable in said frame structure; a motor supported by said frame structure operatively connected to drive said circular saw; a fence rail (bottom rail of the front guide rail, 104) positioned adjacent said front of said frame structure; a fence (saw guide, 106) releasibly attached to said fence rail and extending over said table top; a sensor strip (reader strip, 202) connected to said fence rail (bottom of 104, shown in Figure 3), said rail having the sensor strip configured to provide digital signals that are indicative of specific positions along the length thereof (column 3, lines 34-50 and column 9, lines 15-25); a sensing unit (reader head, 100) movable along said sensor strip (202) (see Figure 3) and operatively connected to said fence, said sensing unit generating signals indicative of the specific longitudinal position of said fence (column 7, lines 46-52), a switch (zero-key, 212a) operatively connected to a processing unit for establishing a reference position when activated (column 6, lines 55-65); a processing unit (electronic measurement system (EMS, 200)) connected to said sensing unit for receiving said position indicating signals and for calculating the distance between said fence and said reference position and for generating display signals indicative of said calculated distance; a display unit (display module, 102) electrically connected to said processing unit (EMS) configured to receive said display signals and provide a digital display of said calculated distance; wherein said sensing unit, processing unit, said switch and said display unit are attached to said fence via coupler means, 112.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luttmmer in view of Mathauser (U.S. Patent 3,810,258). In regards to claim 2, Luttmmer discloses a member (structure shown in Figure 4) physically connecting said sensing unit (100), said display unit (102) and said processing unit (EMS, 200), whereby said fence is physically coupled to said sensing unit (100) when said fence is attached to said fence rail. Although Luttmmer discloses that the fence (106) and member are coupled together via a magnet, he does not disclose that the fence (106) has a protrusion configured to receive a recess in said member. However, attention is directed to the Mathauser device that discloses a female disconnect mounted to a housing with rivets that magnetically and recessively engages a male disconnect to enable a secure, but releasable coupling between the two ends. The recess in combination with the magnet provides a better and more secure connection than just a magnetic end-to-end connection. It would have been obvious to one having ordinary skill in the art to have provided a recessive engagement between the magnetic ends of the Luttmmer device in view of the teachings of Mathauser in order to have a stronger connection between the fence and member.

In regards to claim 8, Luttmer as previously modified by Mathauser, discloses a block (housing for display unit 102 as shown in Figure 3) that is slidable on said display rail (the top portion of guide rail 104 via the bottom portion of guide rail 104).

In regards to claim 9, Luttmer as previously modified by Mathauser, discloses a member (center portion of the housing for the display unit adjacent the bottom of rail 104) that connects said sensing unit (100) to said block.

In regards to claim 15, Luttmer as previously modified by Mathauser, discloses that said switch (212a) is mounted adjacent said display unit (102).

In regards to claim 16, Luttmer as previously modified by Mathauser, discloses an on/off switch (212b) for controlling power to said processing unit (column 7, lines 57-65).

In regards to claim 17, Luttmer as previously modified by Mathauser, discloses a switch (212b) for selectively alternating between English and metric units of length (columns 13, lines 63-68 and column 14, lines 1-21).

In regards to claim 18, Luttmer as previously modified by Mathauser, discloses that the fence has a pin (handle, not numbered) and is configured to engage a slot (handle mounting hole) in a manner that relative movement in the direction of measurement is prohibited (handle clamps fence from moving).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luttmer in view of Mathauser and in further view of Huang (U.S. Patent 6,644,157). Luttmer as previously modified by Mathauser discloses the claimed invention except that the table

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saw further comprises a tabletop extension. However attention is directed to the Huang device that discloses a table saw with an adjustable worktable. The work table extends to the right of the saw blade via two sliding rods (40) to adjust the area of the worktable and the position of the rib fence to fit work pieces of different dimensions and shapes so that work pieces can accurately be cut. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the Luttmmer device to have an extending worktable to adjust the area of the worktable to accommodate variously sized work pieces as taught by Huang, whereby the table top extension can be separated from said main table top to increase the effective area of the top of said table saw.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Publication 2002/0157515 to Dick, U.S. Patent 5,444,635, and U.S. Patent 3,477,322 to Gerber et al. all disclose table saws with moveable rail measurement systems. U.S. Patent 6,899,006 to Jolkovski and U.S. Patent 6,216,574 to Hain, both disclose miter saws with rail display systems. U.S. Patent 6,480,757 to Susnjara discloses a drill with a movable rail system and display. U.S. Patent 4,567,663 to Gillespie discloses a rail measuring device with a display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-

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8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB  
3/10/2006



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